

'Phantom' can stay at Fox Theatre -- for now

By Kristi E. Swartz

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Joe Patten, the 83-year-old known as the "Phantom of the Fox," did not sign a new lease that the Fox Theatre's board drew up for him Monday and likely will be leaving his apartment in the historic theater.



Kristi E. Swartz

Joe Patten, left, and supporters arrive at Fox Theater board meeting where trustees deliberated on whether he can continue to live there.



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Brian Hammock is one of the supporters who joined Joe Patten as the Fox Theatre board deliberated on whether the 83-year-old Patten will be allowed to remain in his home.

Patten had been living in the apartment for nearly 30 years and planned to remain there for the rest of his life. The Fox's board offered him a new lease on Monday -- one that said he could remain there rent free until he needs round-the-clock care.

"The thing is with Joe, for the last two years, we've had to make preparations for when he gets older. And so there needed to be some changes made to the lease," Fox spokeswoman Kristen Delaney told reporters after the closed board meeting. "He could live there for as long as he's able, but we are not equipped to handle 24-7 elder care. We're a theater, first and foremost."

Patten's attorney, Emmet Bondurant, told reporters he advised his client not to sign the new lease.

Patten came out of the Fox's front office twice: once to tell his attorney that he had been removed from the meeting so the board could vote and then a second time, shortly after 7 p.m., to say that he would be moving out at some point.

He said he needed time to absorb the information and that he was angry.

"Saving the Fox was the worst mistake I ever made," Patten said. "I made a serious mistake in saving this building. It wasn't worth it."

"I'm out, I'm ready to leave now," he said. "It's really upsetting."

Patten's sister and a friend then walked with him around the corner and through the gates to the entrance of his Ponce de Leon apartment.

His sister, Patti Patten-Carlen, said she was stunned at the board's decision.

"How could anybody do that to somebody who's 83?" Patten-Carlen said through tears.

Delaney said the new lease offered to Patten "prepares for the point in time he would need 24-7 care." It would be up to the board to decide that, she said.

Bondurant, was not at the meeting with him. Bondurant was escorted out of the boardroom with a police officer shortly before the meeting was called to order at 5 p.m.

"He has a right to be represented by counsel," said Bondurant, standing outside of the Fox Theatre.

The board said it was meeting to draw up a new lease for Patten, the man credited with twice saving the historic Fox Theatre.

He has lived quietly in a stately 3,640-square-foot apartment inside the Peachtree Street landmark for about 30 years. His lease, signed Dec. 28, 1979, says he can live there rent-free for the rest of his life.

Patten is a diabetic and spent time in the hospital and a rehabilitation center this summer. An hour after he returned home, he received a letter from the president of Atlanta

Officials at the Fox said there had been a misunderstanding and that the board wanted to create a new lease for Patten. He is not being evicted, a spokeswoman said last week.

Friends of Joe Patten began gathering outside the Fox Theatre to put "positive peer pressure" to let the man known as the "Phantom of the Fox" stay in his longtime home.

Standing behind a hand-written placard that read "Save the Phantom of the Fox; Please don't make Joe go," Barry Graham said he hoped the group would allow Patten to stay inside the historic theater.

Graham, a friend of Patten's, organized a small protest in front of the theater.

"It's like giving someone a lifetime achievement award and saying 'you did great, but since you're getting really old ...'" Graham said about the board.

Shortly before 5 p.m., Patten walked from his apartment, which overlooks Ponce de Leon, around the corner to enter Fox's front office. His attorney, family and friends walked behind him.

Bondurant said it would take a two-thirds vote of the board to break the current lease and draw up a new one.

"I will be shocked if two-thirds of the board will vote to kick Joe out of what has been his home for 30 years," Bondurant told the AJC before the meeting.

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